REMARKS

Claims 1-18 are pending. The independent claims are claims 1 and 14.

Independent claims 1 and 14 have been amended to better recite the invention for which protection is sought in this application. Specifically, they have been amended to clarify that it is the lateral structure of the second electrical contact layer that is directly deposited on the said current-spreading layer.

All claims stand rejected as obvious over U.S. Patent No. 5,744,828 ("Nozaki") in combination with one or more additional references including U.S. Patent No. 5,779,924 ("Krames"). Specifically, each rejection relies on Nozaki to find the claimed second electrical contact layer having the lateral structure. See, for example, the Examiner's Response to Arguments at page 9 of the Action. We traverse.

Independent claims 1 and 14 now explicitly require "said lateral structure being directly deposited on said current-spreading layer." This feature is simply lacking in Nozaki.

To the extent Nozaki discloses any "a lateral structure by means of which substantially uniform coupling of electrical current into said current-spreading layer can be achieved," as recited in claims 1 and 14, such structure can only correspond to patterned current supply electrode 22. For example, Nokazi states "[t]his embodiment evenly distributes the current supply electrode 22 over the light emission plane" (col. 4,lines 11-12). See also, for example, col. 4, lines 3-13, and Figs. 1, 2, and 4 in Nozaki.

The cited section of Nozaki also emphasizes that "the current supply electrode 22 is directly on contact layer 7" (col. 4, lines 7-8). Moreover, Fig. 2 in Nozaki clearly and unambiguously shows that the current supply electrode 22 is spaced from current diffusion layer 6 by the contact layer 7. Accordingly, Nozaki does not disclose the claimed lateral structure "being *directly* deposited on said current-spreading layer," as required by claims 1 and 14.

The action suggests that contact layer 7 in Nozaki may also correspond to the claimed lateral structure. See action at pages 3, 6, and 9. We disagree.

The action interprets col. 5, lines 9-10 of Nozaki as disclosing an etched lateral structure in contact layer 7 that meets the limitations set forth in claims 1 and 14. But this interpretation is

unambiguously contradicted by Fig. 2, which clearly shows the absence of any lateral structure in contact layer 7 in the completed device. We submit that the section cited by the Examiner is ambiguous at best and cannot be relied upon when clearly contradicted by Fig. 2.

Furthermore, even if there is some etching to produce some kind of lateral structure, there is nothing in Nozaki to indicate or suggest that such structure in contact layer 7 provides "substantially uniform coupling of electrical current into said current-spreading layer," as recited in claims 1 and 14. To the contrary, it is current supply electrode 22 in Nozaki that does this.

Accordingly, we ask that the obviousness rejection of claims 1 and 14 be withdrawn.

Moreover, even if it were obvious to form the claimed second electrical contact layer as recited in independent claims 1 and 14 based on Nozaki and Krames, there is no teaching or suggestion in any of the cited references that "said lateral structure of said contact layer extends over and directly contacts said vertical structuring of said current-spreading layer," as recited in claims 17 and 18.

To the contrary, Nozaki allegedly forms the claimed lateral structure by etching contact layer 7, but such etching would damage the alleged vertical structuring of Krames. Accordingly, any such vertical structuring must be fabricated after the formation of the lateral structure (which according to page 7 of the action also appears to be the Examiner's reasoning). As a result, the lateral structure cannot extend over and directly contact the vertical structuring.

Accordingly, we ask the Examiner to withdraw the obviousness rejection of claims 17 and 18.

We submit that the remaining dependent claims are patentable for at least the same reasons as those described above. In addition, by way of silence, we do not mean to concede, in any way, the obviousness of the additional features recited in those remaining dependent claims.

We ask that the application be allowed. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket No. 12406-022US1.

Respectfully submitted,

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***See attached document certifying that Marc M. Wefers has limited recognition to practice before the U.S. Patent and Trademark Office under 37 C.F.R. § 11.9(b).**

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